

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TONY GIOVANNI JOSEPH,

No. C 14-3779 WHA (PR)

Plaintiff,

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

v.

LAURA S. ROBINSON; UNITED  
STATES OF AMERICA,

(Dkt. No. 15)

Defendants.

\_\_\_\_\_/

This is a pro se civil rights complaint under 42 U.S.C. 1983 filed by a federal prisoner serving a sentence for a conviction obtained in the Northern District of California. In the complaint, he seeks money damages against United States of America and a Federal Public Defender for alleged constitutional violations that led to his present confinement. The complaint was dismissed pursuant to *Heck v. Humphrey*, 114 S. Ct. 2364, 2372 (1994), without prejudice to pursuing his claims when his conviction has been overturned or otherwise called into question. He has filed a motion for relief from judgment, but he does not address the *Heck* issue, explain why it does not bar his claims, or show any grounds for relief from the judgment of dismissal. If plaintiff seeks release from confinement or to challenge his criminal conviction or sentence, he may do so in an appeal of his criminal judgment or a habeas petition. The motion for reconsideration is **DENIED**.

**IT IS SO ORDERED.**

Dated: December 17, 2014.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE